

# CITY COUNCIL REPORT



MEETING DATE: December 12, 2005

ITEM NO. 13 GOAL: Coordinate Planning to Balance Infrastructure

## SUBJECT

**Sandbar Mexican Grill - 20-UP-2005**

## REQUEST

Request:

1. To approve a conditional use permit for a bar in an existing building located at 10050 N. Scottsdale Road with Central Business District (C-2) zoning.
2. To adopt Resolution No. 6791 affirming the above conditional use permit.

### Key Items for Consideration:

- New bar use
- No concerns expressed by any neighbors
- Residential development located west of site
- Planning Commission recommended approval, 6-0.

## OWNER

Les Corieri

## APPLICANT CONTACT

John Berry  
Berry & Damore, LLC  
480-385-2727

## LOCATION

10050 N. Scottsdale Road, Ste. 127

## BACKGROUND

### Zoning.

The site is zoned C-2 (Central Business District). This zoning district allows a variety of commercial retail and office uses.

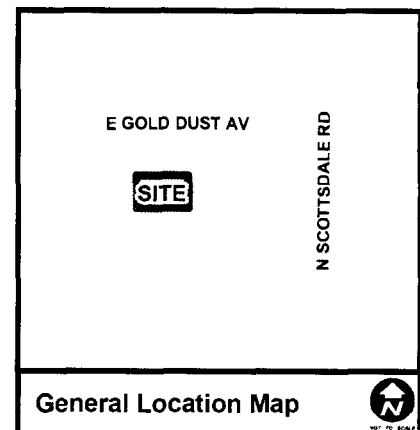
### General Plan.

The General Plan Land Use Element designates the property as Commercial. This category includes areas designated for commercial centers that provide goods and services for the surrounding residential and commercial areas.

### Context.

Adjacent Zoning and Land Uses:

- North C-3 Commercial retail
- South C-2 Commercial retail
- East C-2 Commercial retail
- West R-5 Multi-family residential



**APPLICANT'S  
PROPOSAL**

**Goal/Purpose of Request.**

The applicant is proposing to convert an existing 6,100 square-foot restaurant to a bar within an existing building. In case 3-UP-2002, on October 21, 2002, a conditional use permit was granted on this site for live entertainment consisting of a disk jockey and dance floor. No modifications or additions are proposed to the live entertainment and no changes are proposed for the building and floor area. The bar hours would be Monday through Friday from 3:00 p.m. to 2:30 a.m. and on Saturdays and Sundays from 10 a.m. to 2:30 a.m. Uniformed staff will provide security.

**Development Information.**

- *Existing Use:* Restaurant with live entertainment
- *Proposed Use* Bar
- *Buildings/Description:* Commercial retail tenant space within an in-line shop building
- *Parking Spaces*  
required Restaurant/Bar: 80 spaces, live entertainment: 154 spaces.
- *Spaces provided:* 191 spaces
- *Floor Area:* 6,100 square feet

**IMPACT ANALYSIS**

**Traffic.**

The proposed bar use will not substantially change the traffic generated by this use. The site is located within a commercial center at the intersection of Scottsdale Road, a major arterial and Gold Dust, a collector street. Because the majority of traffic is generated during periods when the adjacent streets have less traffic, the surrounding street system has adequate capacity to handle the traffic generated by the proposed use. The commercial center has two driveways on Gold Dust and access to Scottsdale Road.

**Parking.**

The parking is adequate for the proposed use.

**Police/Fire.**

The police and fire departments do not object to this application. The police department has reviewed and approved the Security and Maintenance Plan.

**Land Use.**

This site is located in close proximity to a major intersection of Shea Boulevard and Scottsdale Road. These streets are major arterials that support high levels of traffic and greater intensity and variety of uses at their intersection.

**Use Permit Criteria.**

Conditional use permits, which may be revocable, conditional or valid for a specified time period, may be granted only when expressly permitted after the

Planning Commission has made a recommendation and the City Council has found as follows:

- A. That the granting of such conditional use permit will not be materially detrimental to the public health, safety or welfare. In reaching this conclusion, the Planning Commission and the City Council's consideration shall include, but not be limited to, the following factors:
  1. Damage or nuisance arising from noise, smoke, odor, dust, vibration or illumination.
    - ***This use does not generate noise, smoke, odor, dust or vibration.***
    - ***No additional outdoor lighting is proposed.***
  2. Impact on surrounding areas resulting from an unusual volume or character of traffic.
    - ***There are no unusual volume or character of traffic associated with this request.***
  3. There are no other factors associated with this project that will be materially detrimental to the public.
    - ***The bar use will not adversely impact adjoining businesses or residents.***
- B. The characteristics of the proposed conditional use are reasonably compatible with the types of uses permitted in the surrounding areas.
  - ***The general character of the area is commercial, with residential being more than 190 feet to the west.***
- C. The additional conditions specified in Section 1.403, as applicable, have been satisfied.

**Additional conditions for bars:**

1. The use shall not disrupt existing balance of daytime and nighttime uses.
  - ***This bar use is proposed for a restaurant site with live entertainment existing on the site.***
2. The use shall not disrupt pedestrian-oriented daytime activities.
  - ***None of the operations encroach into pedestrian walkways or areas.***
3. If the site is located within the downtown overlay district then:
  - a. The use shall not encourage displacement of daytime retail uses unless it can be demonstrated that the proposed use shall promote diversity of first floor uses along the street.
  - b. The required parking for the use shall be within 600 feet of the property and shall not be separated from the property by a major or minor arterial street.
    - ***This site is not located in the downtown overlay district.***
4. If the use is located within 500 feet of a residential use or district then:
  - a. The use shall not adversely impact residential uses.
  - b. The use shall provide methods of buffering residential uses.
    - ***This site is approximately 190 feet from residential uses and districts. The activity areas are on the opposite side of the building and not oriented towards the residential areas. No doors or wall openings of the building that would be used regularly by customers face the residential uses.***
5. An active management and security plan shall be created, approved,

implemented, maintained, and enforced for the business.

- *The applicant has submitted a Management and Security Plan that has been approved and will be maintained and enforced.*
- 6. The applicant shall provide, with the application for a conditional use permit, a written exterior refuse control plan which must be approved by the planning and development department staff as complying with the written guidelines of the department.
  - *The exterior refuse control plan has been reviewed and approved.*
- 7. The applicant shall demonstrate how noise and light generated by the use shall be mitigated.
  - *The noise for this use will be contained within the building. There are doors at the patios. No new lighting fixtures are proposed.*
- 8. The applicant shall demonstrate that the use shall meet required parking and shall not exceed capacity for traffic in the area.
  - *The amount of parking provided meets the Zoning Ordinance.*

**Community Involvement.**

The applicant sent notices to surrounding property owners within 750 feet of this site. Staff has received no phone calls or letters on this proposal.

**Community Impact.**

This establishment fronts to the east away from adjacent neighbors to the west. Approval of this Conditional Use Permit would result in one additional bar in this part of Scottsdale.

**Staff Recommendation.**

Staff recommends approval, subject to the attached stipulations.

**OTHER BOARDS AND COMMISSIONS**

**Planning Commission.**

The Planning Commission heard this case on the November 9, 2005 expedited agenda.

**RECOMMENDATION**

The Planning Commission recommended approval, 6-0.

**RESPONSIBLE DEPT(S)**


**Planning and Development Services Department**  
Current Planning Services

**STAFF CONTACT(S)**

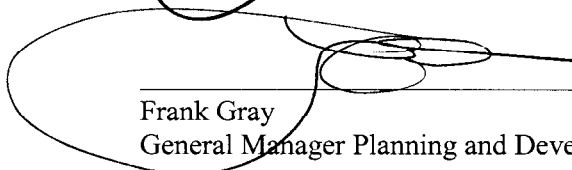
Kira Wauwie, AICP  
Project Coordination Manager  
480-312-7061  
E-mail: kwauwie@ScottsdaleAZ.gov

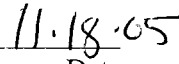
Randy Grant  
Chief Planning Officer  
480-312-7995  
E-mail: rgrant@ScottsdaleAZ.gov

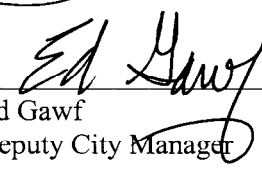
**APPROVED BY**

  
Randy Grant  
Chief Planning Officer

  
Date

  
Frank Gray  
General Manager Planning and Development Services

  
Date

  
Ed Gawf  
Deputy City Manager

Date

**ATTACHMENTS**

1. Applicant's Narrative
2. Context Aerial
- 2A. Aerial Close-Up
3. Land Use Map
4. Zoning Map
5. Stipulations
6. Citizen Involvement
7. City Notification Map
8. Security and Maintenance Plan
9. Floor Plan
10. Site Plan
11. November 9, 2005 Planning Commission Minutes
12. Resolution No. 6791

## **PROJECT NARRATIVE**

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Date: October 12, 2005

Location: Sandbar, 10050 N. Scottsdale Road, #127

Applicant: Les Corieri, Owner 602-620-3033

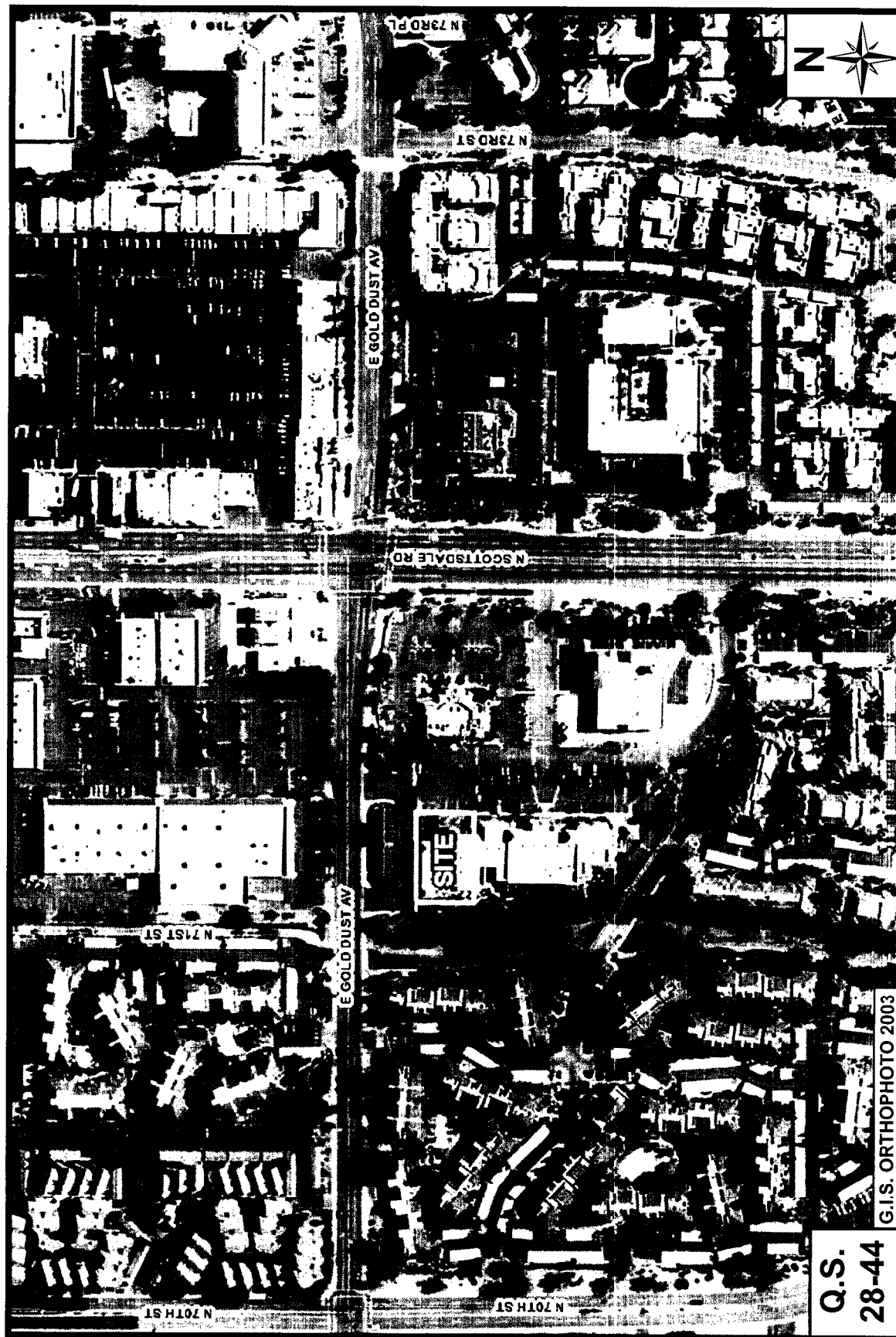
This proposal serves as a request to amend the existing live entertainment use permit at Sandbar Mexican Grill located at 10050 N. Scottsdale Road, Ste 127 to include bar use. The establishment is located on the southeast corner of Gold Dust Avenue and Scottsdale Road.

Approval of a bar use permit as an amendment to the conditional use permit for live entertainment remains consistent with the goal of the city of Scottsdale regarding use permit requirements, as it is a parallel expansion of use. The requirements and procedures for obtaining the existing conditional use permit for live entertainment are vastly similar, if not identical, to those of a bar use permit.

This amendment will not cause a shift in the general operations or nature of the existing business. There will be no changes made to the existing floor plan. The current noise and refuse plan will remain in effect; there will be no change with this permit.

The existing balance of uses in this commercial district will not be altered or disrupted under this proposal. There will also be no additional or adverse impact on the multi-family residential community adjacent to the commercial site as a result of this proposal.

Trip generation will remain the same as under the current use, there will be no change in traffic level. Parking utilizes the existing shopping center and is currently provided in the amount of 191 spaces, exceeding the 154 space requirement for the current live entertainment use permit and the proposed bar use permit. Valet services are no longer being utilized at this establishment. There are two main driveways located to the north of the site that permit access to the commercial center. Peak parking and traffic demands for this establishment occur in the evening hours when the volume of traffic on the arterial streets and the parking demand in the shopping center are significantly reduced.



Q.S.  
28-44

G.I.S. ORTHOPHOTO 2003

Sandbar Mexican Grill

20-UP-2005

ATTACHMENT #2



Q.S.  
28-44

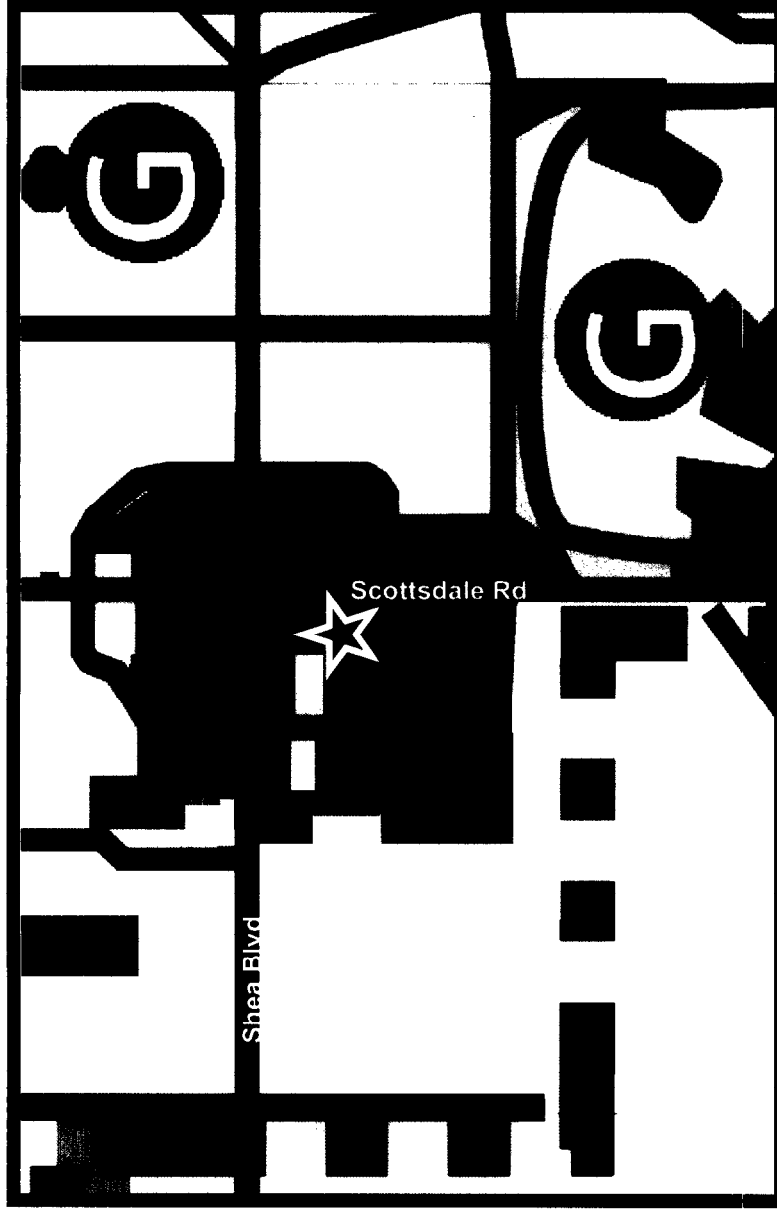
20-UP-2005

Sandbar Mexican Grill

ATTACHMENT #2A



# General Plan



- Rural Neighborhoods
- Suburban Neighborhoods
- Urban Neighborhoods
- Mixed-Use Neighborhoods
- Resorts/Tourism
- Shea Corridor
- Mayo Support District
- Regional Use District
- Commercial
- Office
- Employment
- Natural Open Space
- Developed Open Space (Parks)
- Developed Open Space (Golf Courses)
- Cultural/Institutional or Public Use

McDowell Sonoran Preserve (as of 8/2003)

Recommended Study Boundary of the McDowell Sonoran Preserve

City Boundary

Location not yet determined

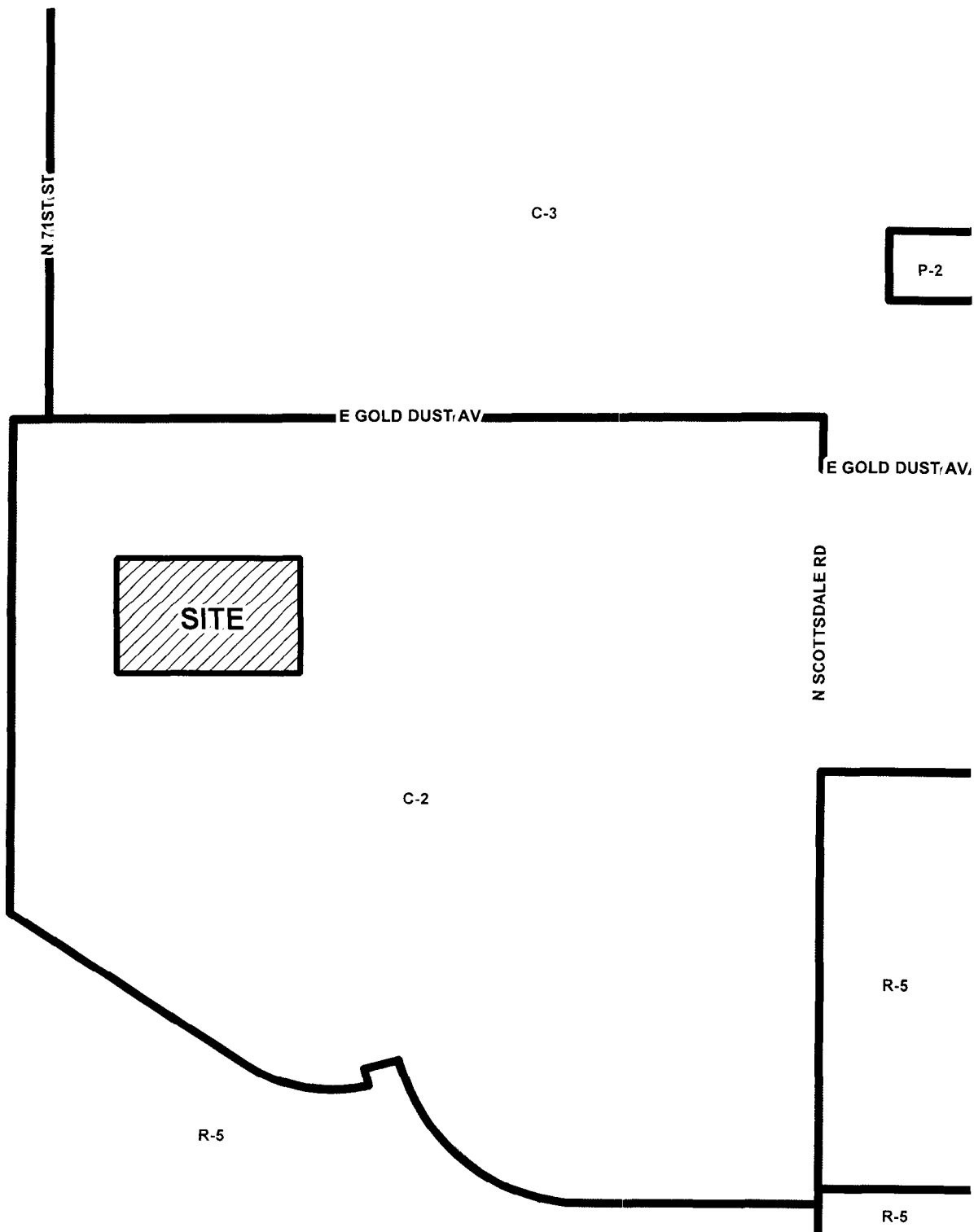
Adopted by City Council October 30, 2001

Ratified by Scottsdale voters March 12, 2002

revised to show McDowell Sonoran Preserve as of May 2004

revised to reflect General Plan amendments through June 2004





20-UP-2005

ATTACHMENT #4



## STIPULATIONS FOR CASE 20-UP-2005

### PLANNING/ DEVELOPMENT

1. OPERATIONS: All operations on site shall comply with the following:
  - a. USE. This Conditional Use Permit is approved for a bar use only, and hereby restricted to the floor plan existing on the date of approval, as evidenced by City Records of approval. Any change to this floor plan shall require an amendment to this Use Permit, or an entirely new Use Permit.
  - b. SOUND/NOISE.
    - i. All amplified music shall not be audible past the property lines.
    - ii. There shall be no outdoor speakers or outdoor music or sound playback devices allowed on the site.
    - iii. There shall be no amplified music during times that state law prohibits the sale of liquor at this bar.
  - c. SECURITY AND MAINTENANCE PLAN.
    - i. The bar operator(s) / merchant(s) shall maintain and conform to a Public Security and Maintenance Plan approved by the Scottsdale Police Department, on record with the City of Scottsdale, and shall keep a copy on site.
    - ii. Each year, before the anniversary of this use permit approval, the bar operator(s)/merchant(s) shall provide an update to the Public Security & Maintenance Plan to the Police Department and the Planning and Development Services Department.
    - iii. Such update shall state that the plan continues in effect as originally approved, or the update shall conform to the following: If there are any changes that modify the requirements or contents of the Public Security and Maintenance Plan, those changes shall be documented in a revised Public Security and Maintenance Plan, which shall be subject to approval by the Police Department and the Planning and Development Services Department. In the event of conflict between the conditions herein and the Public Security and Maintenance Plan, the more restrictive rules shall prevail.
  - d. REFUSE AND LITTER CONTROL.
    - i. The bar operator / merchant shall comply with the submitted refuse control plan as approved.
    - ii. Litter and debris removal shall take place within two (2) hours after normal business hours.
  - e. HOURS OF OPERATION.
    - i. The bar hours of operation shall be limited to the following:
      - (a) Monday through Friday 3 PM opening time to 2:30 AM closing time, and
      - (b) Saturday and Sunday 10 AM opening time to 2:30 AM closing time;
      - (c) Unless made more restrictive by State law.
2. ADMINISTRATIVE/PROCESS: The bar operator(s)/merchant(s) shall comply with the following:

- a. The bar operator(s)/merchant(s) will prominently display these Conditions of Approval in a location within the business' customer area that is acceptable to the City Manager or designee.
  - b. In addition to requirements for use permit amendments in the Scottsdale Revised Code, the bar operator(s)/ merchants shall apply for an amendment of this Conditional Use Permit when:
    - i. The establishment proposes to change its type of liquor license.
    - ii. The establishment proposes to modify any of its current Conditions of Approval.
    - iii. There is a substantial change in the mode or character of operations of the establishment.
3. **CONDITIONAL USE PERMIT VOID UNLESS USE IMPLEMENTED OR ABANDONED:**
- a. This Conditional Use Permit shall become null and void unless exercised within one (1) year of the date of final approval, or such extension of time as may be granted by the City Council pursuant to a written request for extension submitted to the Planning Department a minimum of ninety (90) days prior to such expiration date.
  - b. This Conditional Use Permit shall become null and void if the "bar" land use is abandoned for more than one (1) year after beginning operation. If the use is abandoned beyond this one (1) year timeframe, a new Conditional Use Permit shall be required to operate a "bar" land use at the subject property.

# sandbar

MEXICAN GRILL

Noise control for all Special Events will be maintained through positioning the staging in the southwest corner of the barricaded area. Speakers will be placed on the ground, pointing in the northeast direction which is occupied commercial establishments.

Noise control for regular business on the patio area is currently maintained with 2 – 6” speakers used for ambient sound and audio on sporting events.

Neighborhood Outreach Program will be completed by our manager, Noel Edwards, by Friday, October, 29, 2005. Noel will be visiting all the businesses within a 300ft radius and the residential apartments surrounding the Sandbar.

10050 N. Scottsdale Rd., Suite 127  
Scottsdale, AZ 85253  
(480) 998-8845

**ATTACHMENT #6**

20-UP-2005  
10-14-05

**Neighborhood Involvement, Project Notification**

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Date Completed: October 21, 2005

Location: Sandbar, 10050 N. Scottsdale Road, #127

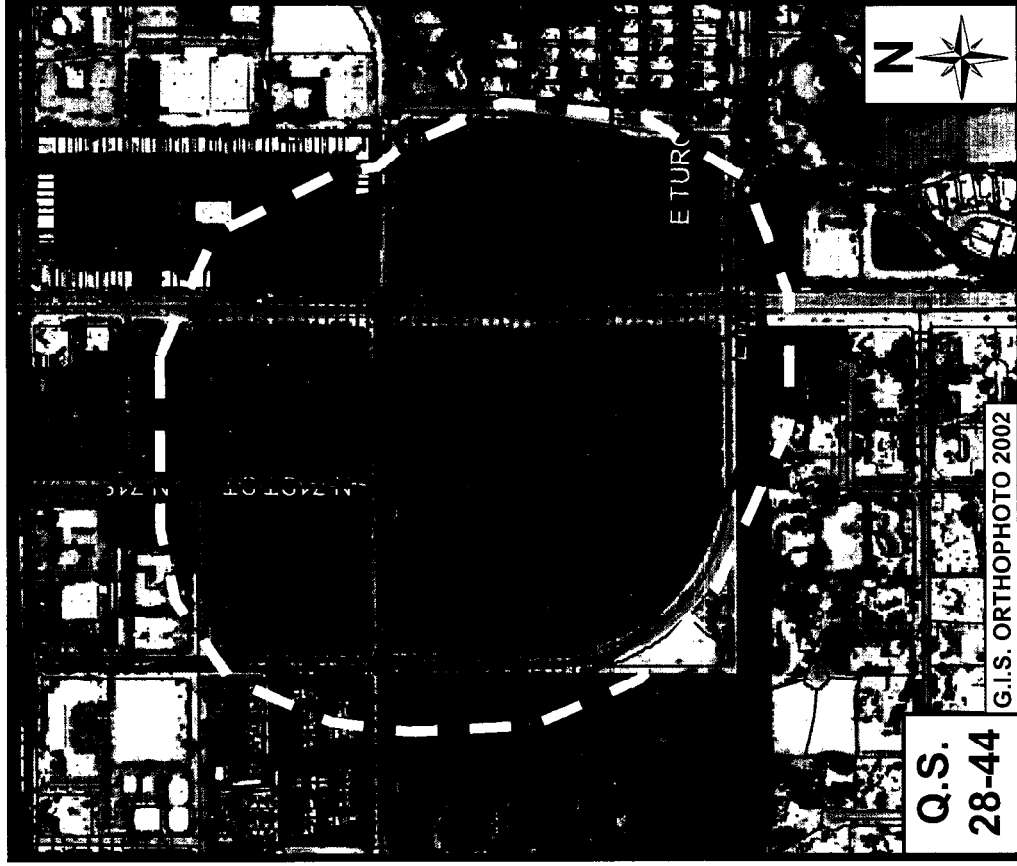
Applicant: Les Corieri, Owner 602-620-3033

To satisfy the neighborhood involvement, community notification requirement for amending the Use Permit to include Bar Use at Sandbar Mexican Grill at 10050 N. Scottsdale Road, #127, the community was personally contacted.

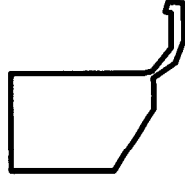
Noel Edwards, managing personnel of Sandbar, completed the notification on October 21, 2005. He notified all surrounding residential and business property owners in the surrounding area through personal door to door visitation.

The community was informed of the amendment to include bar use to the existing live entertainment use permit at this establishment and the property owners expressed no concerns as a result of the personal notification.

# City Notifications – Mailing List Selection Map



## Map Legend:



Site Boundary

Properties within 750-feet

## Additional Notifications:

- Interested Parties List
- Adjacent HOAs

**Sandbar Mexican Grill**

**20-UP-2005**

ATTACHMENT #7

**SCOTTSDALE POLICE DEPARTMENT  
LIQUOR LICENSE APPLICATION CONTROL SHEET**

**Application Type: SECURITY PLAN**

**Series 06 Bar (All spirituous liquor)**

**Date Received: 10/24/05**  
**Date Due: ASAP**

**Council Date:**  
**Event Date:**

1) Other Control Number: 401195  
Establishment/Special Event: **Sandbar Mexican Grill**

2) **Det. Mike Fritz** Recommendation: **Approval**  
Comments: There are no current civil or criminal actions pending against the applicant. Signature: *M. Fritz*  
The business is currently operating with a series 12 license. They have applied for a series 6 which has been processed, but not yet on the council agenda. Date: 10/24/05

3) **Cmdr. Mike Rosenberger, District 2** Recommendation: **Approval**  
Comments: Signature: *Michael Rosenberger*  
Date: 10/24/05

4) **Deputy Chief John Cocca, USB** Recommendation: **Approval**  
Comments: Signature: *J. Cocca #374*  
Date: 10/24/05

**R19-1-102. Granting a License for a Certain Location**

Local governing authorities and the Department may consider the following criteria in determining whether public convenience requires and that the best interest of the community will be substantially served by the issuance or transfer of a liquor license at a particular unlicensed location:

1. Petitions and testimony from persons in favor of or opposed to the issuance of a license who reside in, own or lease property in close proximity.
2. The number and series of licenses in close proximity.
3. Evidence that all necessary licenses and permits have been obtained from the state and all other governing bodies.
4. The residential and commercial population of the community and its likelihood of increasing, decreasing or remaining static.
5. Residential and commercial population density in close proximity.
6. Evidence concerning the nature of the proposed business, its potential market, and its likely customers.
7. Effect on vehicular traffic in close proximity.
8. The compatibility of the proposed business with other activity in close proximity.
9. The effect or impact of the proposed premises on businesses or the residential neighborhood whose activities might be affected by granting the license.
10. The history for the past five years of liquor violations and reported criminal activity at the proposed premises provided that the applicant has received a detailed report(s) of such activity at least 20 days before the hearing by the Board.
11. Comparison of the hours of operation of the proposed premises to the existing businesses in close proximity.



November 10, 2005

**Via Hand Delivery to:**

Lusia Galav  
Development Planning Manager  
City of Scottsdale  
7447 East Indian School Road  
Suite 105  
Scottsdale, Arizona 85251

**Re: Sandbar Case 20-UP-2005 / Security and Maintenance Plan**

Dear Lusia:

The purpose of this letter is to follow up on our discussion yesterday regarding an amendment to the Security and Maintenance Plan for the Sandbar Use Permit.

Within the Security and Maintenance Plan Item 2, Security Officer's Responsibility, we propose that the following language be added.

"One officer will be responsible for conducting roaming patrols of the exterior of the Sandbar which entails at least once per hour walking the patron parking area (attached diagram) wherein an electronic or mechanical device will record such patrols transpired in an effort to prevent criminal behavior and maintain the peace.

Peak nights are defined as Friday and Saturday with hours of patrol beginning at 8:00 p.m. until 3:00 a.m."

The purpose for adding the additional language in the Security and Maintenance Plan is to comply with a request by the landlord who is both supportive of this use permit request and who is working in concert with the Sandbar Mexican Grill to ensure that this use operate as intended under the Use Permit criteria and with the public welfare in mind.

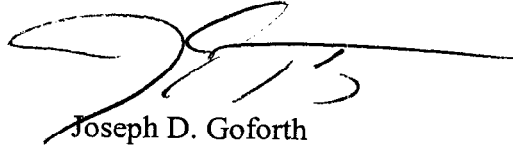
*Lusia Galav*

*November 10, 2005*

*Page 2*

Should you have any questions or comments please do not hesitate to contact me directly.

Very truly yours,

A handwritten signature in black ink, appearing to read 'JDG', with a long horizontal flourish extending to the right.

Joseph D. Goforth

JDG/jm

cc: Les Corieri  
John V. Berry, Esq.

## **REVIEW SHEET**

Application type: **Security Plan**  
Name of Business: **Sandbar Mexican Grill**  
Applicant Name: **Les Corieri**  
Address: **10050 N. Scottsdale Road**  
License Number: **06070331**

### **DETAILS**

This is a Security & Maintenance Plan being submitted by Sandbar Mexican Grill. The business is currently operating with a series 12 license. They have applied for a series 6 license for this location. A Security & Maintenance Plan along with a new Use Permit is required with the series 6 application. The series 6 application was approved contingent upon a security plan & use permit application being submitted. The applicant has submitted there security & maintenance plan. A review of the plan shows that they will be open for business, Monday thru Sunday 3PM to 2AM, except Saturday & Sunday, Open at 10AM. They will have 6 uniformed security officers working on peak nights. There will be at least one manager on duty at all times, and two managers working during peak nights. There will be Ladies Night on Thursday's. Parking plan & parking lot maintenance has been submitted to planning. At this time there is no derogatory information reference the proposed security plan submitted.

### **CONCERNS**

None at this time.

Recommendation: **APPROVAL**

Reviewed By: **Det. Mike Fritz**

# SECURITY AND MAINTENANCE PLAN

For Bars and Live Entertainment Use Permits



Scottsdale Police Department, 3700 North 75<sup>th</sup> Street, Scottsdale, AZ 85251

480.312.5000

FAX 480.312.2030

Establishment:

SAUNDRA MEXICAN GRILL

Address:

10050 N. SCOTTSDALE

Business Phone:

480-998-8845

Business FAX:

480-998-3906

Maximum Occupancy:

420

Effective Date of the Plan:

\_\_\_\_\_

Date of Plan Review:

\_\_\_\_\_

Use Permit Issue Date:

\_\_\_\_\_

Liquor License Number:

\_\_\_\_\_

Contact Person (1):

JIM DEVINE

Home Phone:

480-201-2013

Contact Person (2):

LISA WILLIAMS

Home Phone:

602-339-0773

## I. Purpose of the Plan

This plan addresses security measures for an establishment whose use shall require a Security Plan pursuant to Scottsdale Revised Codes.

This Security Plan's purpose is to comply with the Security Plan conditions and/or requirements set forth in a Use Permit, and to address the concerns of the zoning ordinance regarding:

Any significant increase in vehicular or pedestrian traffic.

Adequate control of disruptive behavior both inside and outside the premises.

Compatibility with surrounding structures and uses.

Deterioration of the neighborhood or to the downgrading of property values.

To assist in providing an environment that may enhance safeguarding of property and public welfare, as well as reduce the necessity for calls for service from law enforcement agencies.

## II. Plan of Operation: Program Plan and Hours

1. Permittee: SAUDRAZ MEXICAN BELL  
Type of Organization: ☐ Arizona Corporation ☐ Corporation  
☐ Sole Proprietorship ☒ LLC  
☐ Partnership ☐ Other
2. Managing Agents Name: LES CORIERI  
Title: OWNER  
Address: 5449 E. MARICOPA ST  
Phone Numbers: 602-620-3033  
Fax or Other Numbers: 602-952-9986
3. Business Owner(s) (if different than Managing Agent) Name, Address, Phone:
4. Property Owner or Property Manager (if different from Managing Agent) Name, Address, Phone:  
DICK WALTER  
10097 E. BAYVIEW DR  
SCOTTSDALE, AZ 85258  
480-614-5470

5. Hours of Operation:

	<u>Peak/Non-Peak Night</u>	<u>Open to Customers</u>	<u>Liquor Sale Begin</u>	<u>Liquor Sale Ends</u>	<u>Closed to Customers</u>
Monday	3:00 P.M.	3:00 P.M.	3:00 P.M.	2:00 A.M.	2:30 A.M.
Tuesday	3:00 P.M.	↓	↓	↓	↓
Wednesday	3:00 P.M.				
Thursday	3:00 P.M.				
Friday	3:00 P.M.				
Saturday	10:00 A.M.	10:00 A.M.	10:00 A.M.	↓	↓
Sunday	10:00 A.M.	10:00 A.M.	10:00 A.M.		

6. Promotional Events (Ladies Night, Teen Nights, etc.)(attach or describe):

7. Program Format/Entertainment/Advertising (attach or describe): i.e. The Pink Elephant intends to cater to persons 35 to 55 years old, utilize oldies music, and provide sports events/programming.

- a. Live entertainment and live music shall terminate no later than 12:55 p.m. nor before 8:00 a.m., as approved in the Use Permit.
- b. Music and amplified sound shall terminate at closing and is subject to City noise and other ordinances.

8. Special Events:

- a. Notice must be given by Permittee to City of Scottsdale Planning and Development at the address above at least twenty (20) days prior to conducting Special Events on the premises. "Special Events" are any program formats varying from the regular format and audiences described or provided above organized or planned by Permittee. Scottsdale requires separate licenses for outdoor special events.
- b. Additional security or revisions to this Plan may be required by the Scottsdale Special Events Committee (program formats varying from the regular format described above).
- c. Permittee must be separately licensed to conduct After Hours, Teen Nights, Outdoor Event/Special Events, Special Liquor License Events, Extensions of Premises, and separately approved Security Plans (or amendments to this Plan). See Scottsdale City Code for requirements.

9. Cooperation/Complaints/Concerns:

- a. Permittee will maintain communications with establishments located on and adjacent to the premises, and with residents and other businesses that may be affected by patrons or operations of the Permittee. Permittee designates the following person to receive and respond to concerns or complaints from other residents or businesses:

Employee Name:

Names of Effected Businesses Within 300 (three hundred) feet of Permittee (use a continuation page, if necessary):

- |                    |                       |
|--------------------|-----------------------|
| 1) CAL. PIZZA KIT. | 6. DESERT SPORTSMAN   |
| 2) CVS PHARMACY    | 7. CHECKER AUTO PARTS |
| 3) AT ONE YOGA     | 8. MOBIL GAS          |
| 4) D5 THE STUDIO   | 9. ACE HARDWARE       |
| 5) TANGLES SALON   |                       |

- b. Permittee, managing agents, on-duty managers, supervisors and security personnel will cooperate closely with Scottsdale Police, officers, City of Scottsdale Code Enforcement staff and neighbors in addressing and investigating complaints and concerns.
- c. Permittee's managing agent(s) shall meet with Scottsdale Police Department when requested by the Scottsdale Police Bike Unit Sergeant or his representative, or District Commander.
- d. Site/Building Information
- 1) A diagram of the exterior and interior of the establishment is appended.

## Outline of Security and Maintenance Plan

1. Dress Code for Civilian Security Personnel
2. Security Officer Responsibilities
3. Management Responsibilities
4. Uniformed Sworn Officer Responsibilities
5. Guest Parking Plan
6. Refuse Plan
7. Safety Plan
8. Dates of After-Hours Operation
9. Enforcement of Security Plan by the City of Scottsdale

## Security and Maintenance Plan

### 1. Dress Codes

Security personnel must be readily identifiable to police, patrons, and other (NAME OF BUSINESS) SAUNBAR security members. Dress code for Civilian Security Personnel, Manager, and Assistant Manager:

- a. Shirt: Black shirt with word "Security" on back in two-inch white letters centered approximately four-inches below top edge of neck, and (NAME OF BUSINESS) SAUNBAR on front in smaller white font.
- b. Jacket: During the cold nights, a black jacket with the word "Security" on back in two-inch white letters centered approximately four-inches below top edge of neck, and (NAME OF BUSINESS) SAUNBAR "Security" on front in smaller white font.
- c. Radio: Used as a means of maintaining constant communication inside and outside the building. All management and security employees must carry radios.

### 2. Security Officer Responsibilities:

Security officer responsibilities must be clearly delineated. There will be a minimum of 6 uniformed (wearing the above-described uniform) security officers working on peak nights whose responsibilities will be as follows:

- a. 3 officer will be responsible for roaming the interior of the business and identifying hazards, problems, and maintaining guest safety. Civilian Security Officers will be responsible for patrolling the full property of the liquor establishment during all hours when patrons are in the establishment, outside the establishment, and in the establishment parking areas. During After Hours, if applicable, the security officer will assist sworn officers in removing all guests in a safe manner, then assisting the uniformed sworn officers (when utilized) in (NAME OF BUSINESS) \_\_\_\_\_ and nearby areas until 0500 hours or until all guests have left the area.
- b. 2 officers will be responsible for checking identifications at the front door. All identifications must meet the minimum criteria for Arizona Revised Statutes Title 4 to allow access to the interior of the Liquor



Establishment, including during the time period of After-Hours, if applicable. Additional duties will be as follows; access control, counting of patrons, prevention of intoxicated persons from entering (NAME OF BUSINESS) \_\_\_\_\_. At 0115 hours, these security officers will assist (NAME OF BUSINESS) \_\_\_\_\_ staff in removing all guests in a safe manner, then assisting the uniformed sworn officers (when applicable) in patrolling the exterior of (NAME OF BUSINESS) \_\_\_\_\_ and nearby areas until 0200 hours or until all guests have left the area.

- c. 1 officer will be responsible for conducting roaming patrol of the exterior of (NAME OF BUSINESS) \_\_\_\_\_ in an effort to prevent criminal behavior and maintain the peace. During After Hours, if applicable, at 0400 hours, this security officer will assist (NAME OF BUSINESS) \_\_\_\_\_ in removing all guests in a safe manner, then assisting the uniformed sworn officer in patrolling the exterior of (NAME OF BUSINESS) \_\_\_\_\_ and nearby areas until 0500 hours or until all guests have left the area.
- d. Report all acts of violence to management personnel, complete a written report, log the act of violence, and contact Scottsdale Police Department immediately. Liquor establishment management/ownership remains ultimate responsibility for the recording of the act of violence, logging of the act of violence, and reporting of the act of violence

### **3. Management Responsibilities**

Managers, assistant managers, and person(s)-in-charge responsibilities will be clearly delineated.

- a. There will be a minimum of 2 managers available during peak nights.
- b. There shall be a general manager and one assistant manager on duty all hours while open for business and for thirty minutes after closing.
- c. A manager shall be identified as the "Security Manager" and be responsible for insuring that a safe environment exists, for the supervision of all security personnel and that all security personnel as identified here shall meet or exceed the requirements established by A.R.S. 32-2621 through A.R.S. 32-2636, as amended, relating to security personnel and guards, and any regulation issued pursuant thereto.
- d. The senior manager on duty will ensure that all employees, security staff, and off-duty law enforcement officers shall be trained and knowledgeable about the contents of this Plan.
- e. A security manager will be on duty until one hour after closing or the last security officer is off duty, whichever occurs last.

### **4. Uniformed Sworn Officer Responsibilities:**

Off-duty law enforcement officer responsibilities must be clearly delineated.

There will be a minimum of \_\_\_\_ uniformed sworn officers assigned to the following responsibilities.

- a. Maintain radio communication with (NAME OF BUSINESS) \_\_\_\_\_ security officers, staff and management.
- b. Conduct traffic control as needed.
- c. Assist civilian security officers in removal of disorderly and/or intoxicated guests.
- d. Maintain the peace outside of the liquor establishment until 0200 hours or until all patrons have left the area, whichever occurs last.
- e. From 0100 until 0200 hours, patrol the exterior portions of (NAME OF BUSINESS) \_\_\_\_\_ to maintain the peace, as well as prevent criminal acts. All acts of violence must be reported to the Department of Liquor Licenses and Control, even when a victim is not available.
- f. If a valet is utilized, maintain the peace in the area of the valet.
- g. Assist Security Officers with maintaining order in the entrance line.
- h. Customers will be discouraged from committing criminal offenses in the area after closing. Enforcement action will be taken as necessary.
- i. Report all acts of violence to management personnel and contact Scottsdale Police Department for assistance as required, above.

#### 5. Guest Parking Plan

In order to reduce criminal activity that negatively affects the nearby businesses, a well-illuminated guest-parking site has been established. Patron parking areas will be well controlled for the safety of patrons, their property, and that of nearby businesses.

- a. (NAME OF BUSINESS) SAUDRAE will maintain a minimum of 15 parking spaces.
- b. (NAME OF BUSINESS) SAUDRAE may utilize a valet system, but application to the City of Scottsdale will conform to all existing valet rules.
- c. A Parking Study and diagram is appended. The Parking Study and diagram will include a description of the parking area, the specific location, and number of spaces utilized for patrons and employees.
- d. (NAME OF BUSINESS) SAUDRAE will insure that parking areas utilized by patrons and employees will be supervised by the Permittee to ensure that the parking areas are not used as a gathering place, for consumption of spirituous liquor, for violations of state or city law, acts of violence, or disorderly conduct. The Permittee will ensure that all patrons have left the parking areas within thirty minutes after the designated closing time.

#### 6. Refuse Plan

Citizen surveys and police calls for service both indicate that businesses in the downtown area have complained about liquor establishments' lack of responsibility in this area.

- a. Refuse containers will be emptied within twenty-four hours of a special event.
- b. (NAME OF BUSINESS) SAUDRAE management will be responsible for cleaning and refuse pick-up for any refuse found within three hundred feet of the business, patron parking lot(s), and employee parking lot(s). All bottles, trash, and refuse found on streets, sidewalks, private

property, and empty lots within the above-designated areas will be placed in (NAME OF BUSINESS) SAUDZAP refuse container.

## 7. Safety Plan

(NAME OF BUSINESS) SAUDZAP has established this safety plan which incorporates and addresses the issue of duration of security officer responsibilities, reporting acts of violence to Department of Liquor License and Controls, assistance in police investigations, incidents of criminal trespass, and disorderly patrons.

- a. Duration of Security Responsibilities; Responsibility for providing security to patrons, employees and the public will extend to the established parking areas as identified in the parking plan from at least one hour before opening to at least one hour after the end of business on Thursday, Friday, or Saturday nights (Sunday mornings) or on any other day when conducting special events.
- b. Reporting Acts of Violence: All acts of violence inside and outside of (NAME OF BUSINESS) SAUDZAP including the parking areas designated in the Guest Parking Plan (and valet services parking areas, if utilized) shall be reported to an on duty manager and/or owner immediately. Scottsdale Police Department will be called immediately and an Arizona Department of Liquor Licenses and Control (DLLC) Licensee's Report of Act of Violence form will be completed. This report will be completed and forwarded to the DLLC regardless of the action taken by the police department.
- c. Assistance to Police Investigations; It is mandatory that any employee, including owners, managers, assistant managers, and staff will reasonably cooperate with any police investigation, and the subsequent prosecution regarding arrests made on or relating to the premises resulting from a need to maintain the peace or public order, or resulting from a request by our establishment to investigate any potential criminal act.
- d. Incidents of Criminal Trespass; During investigation and complaints of Criminal Trespass where the establishment is a victim, (NAME OF BUSINESS) SAUDZAP manager will act as an arresting citizen if uniformed sworn officers are not available.
- e. Disorderly patrons; Disorderly patrons will be safely escorted from the establishment by security officers and/or uniformed sworn officers. Disorderly patrons will be turned over to uniformed sworn officers for disposition, when employed.
- f. Persons Under 21 Years of Age; Permittee agrees that a person under twenty-one years of age will not be allowed on the premises where liquor is sold, dispensed or consumed unless:
  - 1) The person is accompanied by a spouse, parent or legal guardian who is at least twenty-one (21) years of age or is an on-duty employee of the Permittee. OR
  - 2) The primary purpose of the premises is serving food; OR

- 3) The primary purpose of the premises is a patron participatory recreation activity limited to the minor's participation in any of the following sport activities: bowling, golf, football, or basketball.
- g. Management; Permittee agrees to provide the following minimum number of Managers 1, Assistant Managers 1, when the Permittee is open for business. On duty managers are responsible for supervision of all employees, security personnel, off-duty sworn law enforcement officers, agents, and shall identify all employees, personnel, and agents on the premises when requested by City of Scottsdale employees.

### **8. Special Events**

All special events or promotional events (i.e. Ladies Night, Teen Night, etc.) must be identified in writing for the upcoming year within ten days of approval of this permit. A copy of these dates faxed to the Scottsdale Police Bike Unit with a specific list of the dates that special events will be conducted. This notification is not an authorization, but a notice of intent. Permittee understands that the notification of special events related to this permit are necessary for the following reasons:

- a. Preparation: Special and promotional events often tax police resources more than liquor establishments during regular hours. Prior notice will allow police to prepare for the events.
- b. Inspections: Police inspections can be performed of the special events, the establishment, and at any time when there are any occupants of the liquor establishment.
- c. Operation of special events or promotional events on dates not identified by (NAME OF BUSINESS) SAUDBAR list of dates for the upcoming year will result of immediate closure of the liquor establishment's special event, as well as place (NAME OF BUSINESS) SAUDBAR in noncompliance.

### **9. Enforcement of Security Plan by City of Scottsdale**

- a. The Permittee agrees that successful execution and enforcement of this Plan are a requirement and condition of Scottsdale's Use Permit. Termination, cancellation or non-approval of the Plan constitutes a breach of any condition requiring the existence of an approved Security Plan.
- b. Violations of this Security Plan will be enforceable by City of Scottsdale Police Officers and/or Code Enforcement employees.
- c. Violation, amendment, revocation, as defined in Scottsdale City Zoning Code Sec. 1.402. Conditional use permits which have been approved by the City Council shall be subject the following procedures and criteria regarding any violation, amendment, or revocation.
  - 1) Violation. The violation of any condition imposed by the conditional use permit shall constitute a violation of this

ordinance and shall be subject to the requirements of Section 1.1300.

- 2) Amendment. Conditional uses shall be developed in conformance to the approved plans as determined by the Zoning Administrator. An amendment to a conditional use permit is required before implementation of any material change in the scope and nature of an approved conditional use, material change in any conditions or stipulations to a conditional use permit or material change in the physical size, placement or structure of property subject to a conditional use permit. The Zoning Administrator shall have the discretion to determine if a proposed change warrants an amendment. An amendment must be approved as provided in Section 1.400 et seq. for the approval of conditional use permits.
- d. Revocation of the Plan. The Zoning Administrator may recommend to the Board of Adjustment and the board may effect revocation of a conditional use permit pursuant to Section 1.807 of the Scottsdale Zoning Code for acts including but not limited to:
- 1) A violation of the Plan.
  - 2) Violation of the conditions of the Use Permit.
  - 3) Violation of Scottsdale ordinances or law.
  - 4) Repeated acts of violence or disorderly conduct as reflected by police calls for service or offenses occurring on premises utilized by patrons of the Permittee, or failure to report acts of violence
  - 5) Failure of the Permittee to take reasonable steps to protect the safety of persons entering, leaving or remaining on the premises when the Permittee knew or should have known of the danger to such person, or the Permittee fails to take reasonable steps to intervene by notifying law enforcement officials or otherwise to prevent or break up an act of violence or an altercation occurring on the premises or on premises utilized by patrons and employees of the Permittee when the Permittee knew or reasonably should have known of such acts of violence or altercations
  - 6) Any enlargement or expansion of the premises, plan of operation or program format without appropriate approval from Scottsdale.
  - 7) Misrepresentations or material misstatements of the Permittee, its agents or employees.
- e. Dissemination of the Security Plan
- 1) A copy of this Security Plan must be provided to each security officer and off-duty sworn law enforcement officer employed by the establishment, manager, and assistant manager.
  - 2) A reading log will be maintained, and will be signed by each of the above persons (8.d.1) when they have read and understand this plan. Each security employee must read the plan once per year, or when there are any changes to the plan.

3) A current copy of the plan will be maintained on the premises at all times.

4) A current copy of this plan must be made available, upon request of any code enforcement officer or police officer.

5) Failure to conform to this plan will be considered a violation of the plan.

f. Termination of the Plan.

This Plan may terminate on the date that the Permittee's Use Permit terminates, or two (2) years from the Security Plan's effective date, whichever occurs first, unless otherwise provided herein.

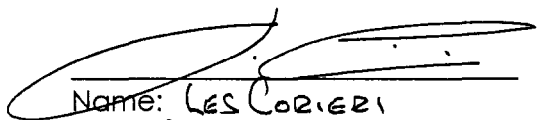
g. Meetings.

Management of Permittee shall arrange meetings with a representative of the Scottsdale Police Department regarding incidents of disorderly conduct, safety, identification verification, and general security issues when deemed necessary by the District Commander or his representative.

**Enclosures:**

1. Names of Effected Businesses
2. Parking Plan – Including Patron and Employee Parking, both on- and off-site.
3. Diagram – Including Exterior and Interior Areas

APPLICANT:

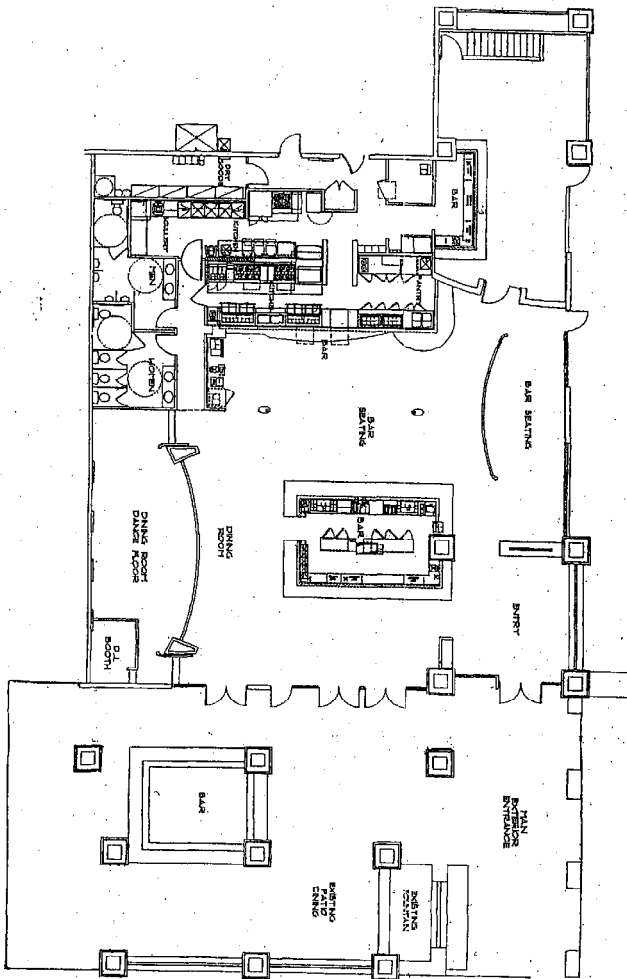
  
Name: LES CORIERI  
Title: OWNER  
Address: 5449 E. MARIPOSA ST  
City & State: PHX. AZ. 85018  
Telephone: 602-620-3033  
Date Signed: 9-19-05

APPROVED:

\_\_\_\_\_  
Scottsdale Police Department  
3700 North 75<sup>th</sup> Street  
Scottsdale, AZ 85251  
480.312.5000

Police Bike Unit FAX 480.312.2030

**FLOOR PLAN**  
SCALE 1/8" = 1'-0"



**PROJECT DATA**

**ADDRESS**

10080 N. SCOTTSDALE RD. #71  
SCOTTSDALE, ARIZONA 85258  
ACACIA CREEK VILLAGE SHOPPING CENTER

**ZONING**

C-1

**OCCUPANCY**

A-1 RESTAURANT

**BUILDING**

RESTAURANT

DINING AREA  
DINING ROOM  
KITCHEN/BACK BAR  
RESTROOMS/HALLS  
SECOND FLOOR OFFICE  
TOTAL: 6,436 S.F.

PATIO  
DINING AREA  
BAR  
TOTAL: 153 S.F.

**OCCUPANCY CALCULATIONS**

RESTAURANT  
DINING AREA  
DINING ROOM  
KITCHEN/BACK BAR  
RESTROOMS/HALLS  
SECOND FLOOR OFFICE  
TOTAL: 100 S.F. / 100 = 100

PATIO  
DINING AREA  
BAR  
TOTAL: 147 S.F. / 5 = 74.7  
147 S.F. / 100 = 1.47  
TOTAL: 395.7

**PARKING**

SEE ATTACHED PARKING STUDY

**ATTACHMENT #9**

**FLOOR PLAN**

USE PERMIT:  
**SEASON'S RESTAURANT**  
10080 N. SCOTTSDALE ROAD  
SCOTTSDALE, ARIZONA



221 E. WILLOW AVENUE  
SUITE 200  
PHOENIX, ARIZONA 85012  
TEL: 602-431-4323  
FAX: 602-431-4323

PLANNING  
ARCHITECTURE  
INTERIORS

Project No. 10080 N. Scottsdale Rd. #71  
10080 N. Scottsdale Rd. #71  
SCOTTSDALE, ARIZONA 85258  
DATE: 10/1/02  
BY: [Signature]

Job no: 01177  
date: 1-24-02  
revisions:



3201 E. SCOTTSDALE AVENUE  
SUITE 100  
SCOTTSDALE, ARIZONA 85261  
PHONE 480-424-4400  
FAX 480-424-4401

PLANNING  
ARCHITECTURE  
INTERIORS

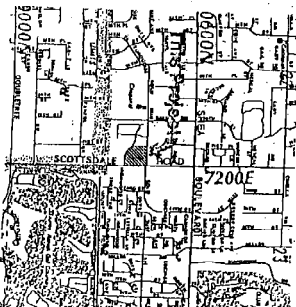
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USE PERMIT FOR:  
**SEASON'S RESTAURANT**  
10080 N. SCOTTSDALE ROAD  
SCOTTSDALE, ARIZONA

job no: 0177  
date: 1-24-02  
revisions:

ATTACHMENT #10



Proposed Hotel

Proposed Apartments

### Zoning Provisions

#### Project Location:

SW Corner of Scottsdale Rd. & Camelback Rd.  
Scottsdale, Arizona

#### Existing Zoning:

Existing Ordinance Classification: C-2

#### Lot Area:

Acacia Creek Village Shops  
13,200 SF

#### Gross Floor Area:

Acacia Creek Village Shops  
14,400 SF

#### Building Volume:

Acacia Creek Village Shops  
17,200 SF

#### Building Height:

Acacia Creek Village Shops  
34 Feet

#### Net Floor Area:

Acacia Creek Village Shops  
21,100 SF

#### Parking:

Acacia Creek Village Shops  
100

#### Open Space:

Acacia Creek Village Shops  
25,100 SF

#### Front Open Space:

Acacia Creek Village Shops  
13,200 SF

#### Parking Lot Landscaping:

Acacia Creek Village Shops  
7,000 SF

#### Setbacks:

Acacia Creek Village Shops  
25 Feet

#### Other:

Acacia Creek Village Shops  
25 Feet

#### Other:

Acacia Creek Village Shops  
25 Feet

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#### Other:

Acacia Creek Village Shops  
25 Feet

#### Other:

Acacia Creek Village Shops  
25 Feet



**2005, SILVERSTONE TO NOVEMBER 30, 2005; AND 13-UP-2005, SCOTTSDALE AND PINNACLE PEAK MIXED TO NOVEMBER 30, 2005.**

Chairman Gulino declared a conflict on item 2, Sereno Canyon.

**COMMISSIONER STEINKE AMENDED THE MOTION TO EXCLUDE 19-ZN-23005, SERENO CANYON. THE MOTION WAS SECONDED BY COMMISSIONER HEITEL. THE MOTION CARRIED BY A UNANIMOUS VOTE OF SIX (6) TO ZERO (0).**

**COMMISSIONER STEINKE MOVED THAT 1-ZN-2005 (SERENO CANYON) BE CONTINUED TO NOVEMBER 30, 2005. COMMISSIONER HEITEL SECONDED THE MOTION, WHICH CARRIED UNANIMOUSLY BY A VOTE OF FIVE (5) TO ZERO (0).**

**EXPEDITED AGENGA**

7. 18-UP-2005 (Gourmet Corner) Staff—Al Ward, Applicant Dave Slogar

Request by owner for a conditional use permit for a Delicatessen in a 1492 +/- square feet suite of an existing building located at 9096 E. Bahia Drive #109 with Industrial Park, Planned Community District (I-1 PCD) zoning. Staff contact person is Al Ward, 480-312-7067. **Applicant contact person is Dave Slogar, 480-538-5474.**

8. 20-UP-2005 (Sandbar Mexican Grill) Staff—Kira Wauwie, Applicant John Berry

Request by owner for a conditional use permit for a bar in an existing building located at 10050 N. Scottsdale Road with Central Business District (C-2) zoning. Staff contact person is Kira Wauwie, 480-312-7061. **Applicant contact person is John Berry, 480-385-2727.**

**COMMISSIONER HEITEL MOVED TO APPROVE 18-UP-2005, NOTING THAT IT MEETS THE USE PERMIT CRITERIA AND 20-UP-2005, NOTING THAT IT ALSO MEETS THE USE PERMIT CRITERIA.**

Ms. Galav advised the Commission that there is an amended stipulation on 18-UP-2005.

**COMMISSIONER HEITEL AMENDED THE MOTION TO INCLUDE THE AMENDED STIPULATIONS PERTAINING TO CASE 18-UP-2005. THE MOTION WAS SECONDED BY COMMISSIONER HESS, AND CARRIED BY A UNANIMOUS VOTE OF SIX (6) TO ZERO (0).**

**REGULAR AGENDA**

9. 11-AB-2005 (Hettinger Abandonment) Staff—Al Ward, Applicant Cari Hettinger

Request by owner to abandon a portion of the alley along the north side of parcel 130-01-044 at 4011 N. 65th Street. Staff contact person is Al Ward, 480-312-7067. **Applicant contact person is Cari Hettinger, 602-999-3811.**

Mr. Ward presented the case pursuant to the staff packet. Highlights of the presentation included a slide showing an aerial view of the context, a slide of the plat map, and a slide of the abandonment area. He noted that the segment of alley that is the subject of the request is not necessary for circulation. All neighboring lots will continue to have alleyway access. Neighbors within 750 feet have been contacted. Two letters of objection have been received, as well as several letters of support. The property owner to the east, who has access through the alleyway to his garage would like to have continued through access to go either east or west coming out of

RESOLUTION NO. 6791

A RESOLUTION OF THE CITY OF SCOTTSDALE, MARICOPA COUNTY, ARIZONA, ADOPTING A CONDITIONAL USE PERMIT FOR A BAR LOCATED AT 10050 N. SCOTTSDALE ROAD.

WHEREAS, the Planning Commission has held a public hearing on November 9, 2005; and

WHEREAS, the City Council, has held a public hearing on December 12, 2005;

NOW, THEREFORE, LET IT BE RESOLVED, by the City Council of the City of Scottsdale, Maricopa County, Arizona, as follows:

Section 1. That the City Council finds that the granting of this conditional use permit will not be materially detrimental to the public health, safety or welfare. This determination includes, but is not limited to consideration of the following factors: damage or nuisance arising from noise, smoke, odor, dust, vibration or illumination and impact on surrounding areas resulting from an unusual volume or character of traffic. The City Council also finds that the characteristics of the proposed conditional use are reasonably compatible with the types of uses permitted in the surrounding areas.

Section 2. That the conditional use permit described in Case No. 20-UP-2005, for the property shown on Exhibit 1 is hereby approved, subject to compliance with all stipulations attached hereto as Exhibit 2 and incorporated herein by reference.

PASSED AND ADOPTED by the Council of the City of Scottsdale, Maricopa County, Arizona this 12 day of December, 2005.


ATTEST:

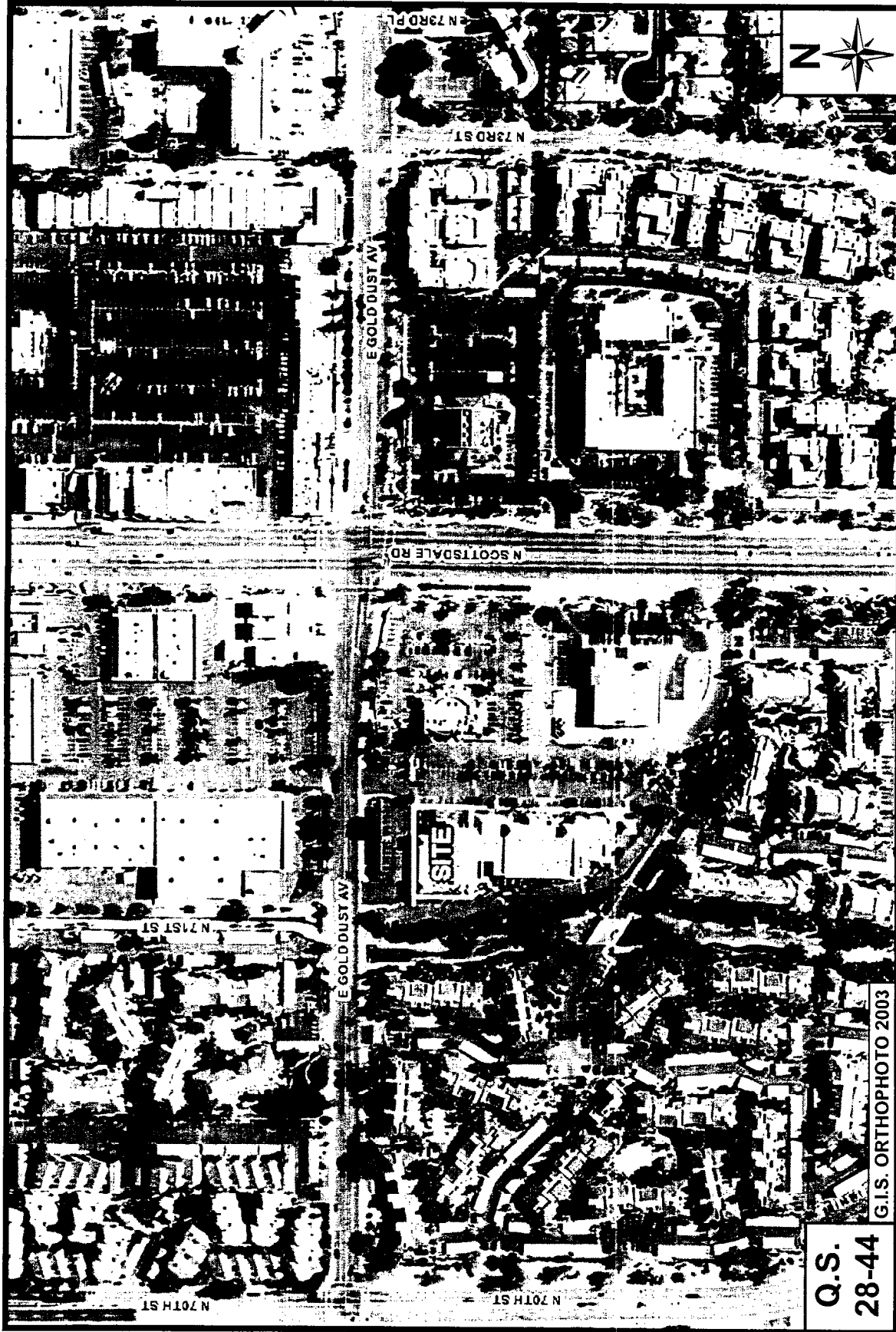
CITY OF SCOTTSDALE, an Arizona  
municipal corporation

By: \_\_\_\_\_  
Carolyn Jagger  
City Clerk

By: \_\_\_\_\_  
Mary Manross  
Mayor

APPROVED AS TO FORM:

By:  \_\_\_\_\_  
Deborah Robberson  
City Attorney



Q.S.  
28-44

G.I.S. ORTHOPHOTO 2003

Sandbar Mexican Grill

20-UP-2005

Exhibit 1

## STIPULATIONS FOR CASE 20-UP-2005

### PLANNING/ DEVELOPMENT

1. OPERATIONS: All operations on site shall comply with the following:
  - a. USE. This Conditional Use Permit is approved for a bar use only, and hereby restricted to the floor plan existing on the date of approval, as evidenced by City Records of approval. Any change to this floor plan shall require an amendment to this Use Permit, or an entirely new Use Permit.
  - b. SOUND/NOISE.
    - i. All amplified music shall not be audible past the property lines.
    - ii. There shall be no outdoor speakers or outdoor music or sound playback devices allowed on the site.
    - iii. There shall be no amplified music during times that state law prohibits the sale of liquor at this bar.
  - c. SECURITY AND MAINTENANCE PLAN.
    - i. The bar operator(s) / merchant(s) shall maintain and conform to a Public Security and Maintenance Plan approved by the Scottsdale Police Department, on record with the City of Scottsdale, and shall keep a copy on site.
    - ii. Each year, before the anniversary of this use permit approval, the bar operator(s)/merchant(s) shall provide an update to the Public Security & Maintenance Plan to the Police Department and the Planning and Development Services Department.
    - iii. Such update shall state that the plan continues in effect as originally approved, or the update shall conform to the following: If there are any changes that modify the requirements or contents of the Public Security and Maintenance Plan, those changes shall be documented in a revised Public Security and Maintenance Plan, which shall be subject to approval by the Police Department and the Planning and Development Services Department. In the event of conflict between the conditions herein and the Public Security and Maintenance Plan, the more restrictive rules shall prevail.
  - d. REFUSE AND LITTER CONTROL.
    - i. The bar operator / merchant shall comply with the submitted refuse control plan as approved.
    - ii. Litter and debris removal shall take place within two (2) hours after normal business hours.
  - e. HOURS OF OPERATION.
    - i. The bar hours of operation shall be limited to the following:
      - (a) Monday through Friday 3 PM opening time to 2:30 AM closing time, and
      - (b) Saturday and Sunday 10 AM opening time to 2:30 AM closing time;
      - (c) Unless made more restrictive by State law.
2. ADMINISTRATIVE/PROCESS: The bar operator(s)/merchant(s) shall comply with the following:

EXHIBIT 2

PAGE 1 OF 2

- a. The bar operator(s)/merchant(s) will prominently display these Conditions of Approval in a location within the business' customer area that is acceptable to the City Manager or designee.
  - b. In addition to requirements for use permit amendments in the Scottsdale Revised Code, the bar operator(s)/ merchants shall apply for an amendment of this Conditional Use Permit when:
    - i. The establishment proposes to change its type of liquor license.
    - ii. The establishment proposes to modify any of its current Conditions of Approval.
    - iii. There is a substantial change in the mode or character of operations of the establishment.
3. **CONDITIONAL USE PERMIT VOID UNLESS USE IMPLEMENTED OR ABANDONED:**
- a. This Conditional Use Permit shall become null and void unless exercised within one (1) year of the date of final approval, or such extension of time as may be granted by the City Council pursuant to a written request for extension submitted to the Planning Department a minimum of ninety (90) days prior to such expiration date.
  - b. This Conditional Use Permit shall become null and void if the "bar" land use is abandoned for more than one (1) year after beginning operation. If the use is abandoned beyond this one (1) year timeframe, a new Conditional Use Permit shall be required to operate a "bar" land use at the subject property.